

WILMINGTON JOURNAL.

DAVID FULTON, Editor.

OUR COUNTRY, LIBERTY, AND GOD.

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AND
DAVID FULTON }

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South Carolina Conference.
Provisional Escape of Bishop Soule.—The Carolinian, under date of Columbia, 2d inst., states that this body convened in that place on the 24th ult., and will adjourn to-day.—Bishop Soule took the Chair, and next day, Bishop Andrew, at the request of Bishop Soule. Among various other proceedings, the action of the Southern Delegates to the General Conference, on the case of Bishop Andrew, and the division of the Church, was unanimously approved; a division was inevitable, so that it was unanimously resolved not to concur in the proposal of the Holston. A Conference, to meet in Louisville, in May next, to devise some plan of compromise between the Conference of the Slave-holding States. This says the writer, was eminently wise and judicious, and still further commends the church to the confidence of our people, since it is plain to compromise whatever can be made by the South between slavery and abolition—none but what must inevitably look to the overthrow of the former, and increase the imminent danger of the South.
Delegates were appointed to the General Conference of the Southern Church, to meet in Louisville, Kentucky, on the first of May next.
Bishop Soule, on taking the chair on Wednesday, gave the following statement of the imminent peril he encountered about 4 miles from the city, by a stage accident; from which his life was most remarkably and providentially saved, as reported by the correspondent of the Southern Christian Advocate.
He had made his approach to Columbia under very peculiar circumstances, and felt himself very specially indebted to the good providence of God that his life had been spared. Last evening the stage was run away with by the frightened horses, and dashed to pieces; the very spokes in the wheels were knocked out, and the coach made a perfect wreck. He had been often before in perils, by sea and land, but never in such imminent danger of death in all the course of his life. To God's providential care he attributed his preservation. Not a hair of his head was hurt. He hoped that God would be with the Conference at its present session, and preside most graciously over all its deliberations, and guide all its counsels to the promotion of his glory, and the further spread of Christ's kingdom among men.
The statement made by Bishop Soule of his preservation produced a strong impression upon the Conference. He was on his way from Fayetteville, N. C., to Columbia, by stage, and after the wreck of the stage coach, he walked at night some four miles to town.

Persons who are much excited in the pursuit of gold, may be said to have the yellow fever.

Hope is like a rock in a hot climate—the shadow is worth more than the substance.

Why is a reformed drunkard like a seal pursued on land? He takes to the water.

The "national airs" of Boston are principally comprised of easterly winds.

CAPTIONS

To the Acts, passed by the Legislature of North Carolina, at its session of 1844-'45.

PUBLIC.

1. An Act more effectually to suppress the offence of trading with slaves. [May charge in the same Bill of Indictment any defendant with trading with slaves, receiving stolen goods, knowing them to be stolen, and petit larceny.]

2. Concerning the admissibility of evidence against the sureties of Officers and others. [Makes the receipt or acknowledgement of the Officer admissible and competent against all or any of his securities.]

3. To provide for a vacancy in the Office of County Surveyor. [Gives the appointing power to the county Courts.]

4. To amend the 5th section of the 19th chapter of the Revised Statutes. [Directs the Sheriff to summon the Magistrates within fifteen days after the death of any Clerk of the county Court who shall die between the sitting of the Courts, to fill the vacancy until the next regular election by the people.]

5. To amend the sections of the Revised Statutes, concerning Clerks and Registers.—[Makes it the duty of the county Solicitor to examine the offices of the Registers and of the Clerks of the county and Superior Courts, at or shortly before the sessions of each and every county Court, for the purpose of ascertaining whether all papers required to be recorded and registered have been done so according to law.]

6. To amend an Act, entitled an Act to keep open French Broad River, in the county of Buncombe, and the Tennessee River in the county of Haywood, for the passage of Fish, passed in the year 1825, chapter 118. [Imposes the same penalty prescribed in the first section of the before recited Act, on any person or persons who shall fell timber in the French Broad River from the three forks thereof, to the Henderson county line, where said line crosses the French Broad River.]

7. Concerning Jury Trials. [Gives the right to the parties or their counsel, in all such trials, to argue to the jury their whole case, as well of law as of fact.]

8. To extend the time for registering Grants, Mesne Conveyances, Powers of Attorney, Bills of Sale and Deeds of Gift. [Extends the time to two years, exempting Mortgages, Conveyances in Trust, or to the Swamp Lands in the Eastern part of the State.]

9. To cede to the United States a certain tract of land lying on the Island of Portsmouth, Carteret county, for the purpose of erecting a Marine Hospital.

10. To amend the 9th section of the Revised Statutes, entitled an Act concerning the Comptroller. [Directs the Governor to have 250 copies of the Comptroller's Report printed in Pamphlet form, for the year when the Legislature is not in session. Also, repeats that part of the Act, which requires the publication of the Comptroller's Report in five newspapers of this State—and amend the Act by publishing it hereafter in two newspapers in the City of Raleigh.]

11. To cede a portion of Rutherford co., to the co. of Henderson. [Cedes that portion of Rutherford county lying west of a line beginning at a point on the dividing line on top of Sugar loaf mountain, running thence South 10 Degrees East to the South Carolina line, then West with said line to the Henderson county line, then commencing at the beginning point and running another line on the dividing Ridge between Fall Creek and Reedy Patch Creek to Broad River, at Pan's Gap, then North 5 Degrees East of the McDowell county line, then with said line to the Henderson line.]

12. To authorize the Portsmouth and Roanoke Rail Road Company, to charge tolls on their Bridge over Roanoke River, near the town of Weldon.

13. Extending the jurisdiction of Justices of the Peace over Judgments, and amendatory of the 6th Section of the Revised Statutes, entitled "Justices of the Peace"—and the 4th Section of the Revised Statutes, entitled "Courts, County and Superior. [Gives a Justice of the Peace, exclusive jurisdiction over all sums not exceeding \$100 in the principal. The 2d Section dismisses all suits brought in either the county or Superior Courts for a less sum.]

14. More effectually to prevent the imprisonment of Honest Debtors. [Provides that hereafter no capias ad satisfaciendum shall issue, unless Plaintiff, his Agent or Attorney, shall make affidavit in writing, before the Clerk of the Court, in which said judgment may be, or the Justice of the Peace, to whom application is made for such process, that he believes the defendant has not property to satisfy such judgment, which can be reached by a force facias, or has fraudulently concealed his property, money or effects, or is about to remove from the State. Provides further, that no Court in the State shall permit an issue of fraud to be made up and tried, under the provisions of the Act for the relief of Insolvent Debtors—Rev. Statutes, Chap. 58, Sec. 10—unless the Creditor, his Agent, or Attorney, shall file a suggestion in writing, of such fraud or concealment, therein specifying the particulars of such fraud or concealment, and shall annex to the said suggestion, his affidavit that he verily believes the matters therein stated are true. Provides also, that whenever the Plaintiff, in any judgment, shall be desirous of subjecting the bail of the defendant in said judgment to the payment thereof, such Plaintiff shall be at liberty to proceed in the first instance by scire facias against such bail without having previously issued any capias ad satisfaciendum against the defendant, but such scire facias shall not stand for trial at the appearance term.]

15. In favor of Poor Debtors. [Exempts in addition to the property now by law exempted from Execution, after the first day of July next, the necessary farming tools for one laborer, one bed, head-stead and covering for every two members of the family, four hogs and all necessary household and kitchen furniture, not to exceed \$50 in value. The 2d Section provides, that whenever any poor debtor shall apply for the benefit of this Act, it shall be the duty of the Justice of the Peace to whom such application shall be made, to appoint three respectable freeholders, disinterested and unconnected with the parties, to lay off and assign to such poor debtors, the portion to which he is entitled. The 3d Section declares null and void and of no effect, all and every conveyance by sale, deed, trust, or otherwise, for

the payment of any debt or demand whatsoever, of the property hereby exempted.]

16. To protect the Public Bridges in Tyrrell, Washington and Onslow counties. [Inflicts a fine of \$50 for forcibly running any decked vessel, boat or raft against any public Bridge in these counties.]

17. Concerning the Superior Courts of Cleveland county.

18. Supplemental to an Act passed in 1838, entitled an Act, supplemental to an Act, passed in 1834, to lay off and establish a Road from Morganton to the Tennessee line. [Appoints three Commissioners for the purpose of carrying said Act more effectually into operation.]

19. Assenting to the purchase by the U. States, of certain land in the Town of Wilmington, and ceding the Jurisdiction of North Carolina over the same, under certain limitations and conditions therein contained. [Land on which the New Custom House is erected.]

20. To appoint Commissioners, to view and lay off a Road in the county of Ashe.

21. Supplemental to an Act passed at the present Session of the General Assembly, entitled an Act to amend an Act, to incorporate the President, Directors and Company of the Yankin Toll Bridge. [Authorizes a charge of 75 cents for a loaded wagon, drawn by four horses.]

22. To amend an Act, entitled an Act, to punish the default of returning Officers, in the election of President and Vice President of the United States, passed 1842-'3, Chap. 29. [Directs, that the offence created by the above recited Act, be cognizable in the Superior Courts of Law of the county wherein the defaulting Officer resides.]

23. Concerning the Superior Court of Currituck county. [Relates to the issuing of the Clerk's certificate to the Jury.]

24. To loan to the North Carolina Military Academy at Raleigh, for the use of Cadets thereof the necessary Military Arms and Equipments.

25. To prevent the felling of timber in the Creeks and Rivers, within the county of Cabarrus. [Imposes a fine of \$10 if any person permits the timber to remain 20 days.]

26. To authorize the foreclosure of the mortgage of the Raleigh and Gaston Road. [Directs the Governor of the State to have all the mortgages on the Road foreclosed at the Spring Term of Wake Superior Court. The Road is then to be sold to the highest bidder, after due advertisement, on the following terms, viz: \$25,000 in six months, and the residue of the purchase money divided into four equal instalments, to be paid at intervals of ten months, with interest. The Governor is to bid for the State, the sum of \$100,000—a sum sufficient to cover the last Mortgage and interest.]

27. To attach that part of Carteret county, known as Ocracoke, to Hyde county.

28. To authorize the Wilmington and Raleigh Rail Road Company to issue Bonds to the amount of \$100,000, to redeem a like amount of Bonds issued under the Act, entitled "an Act for the relief of the Wilmington and Raleigh Rail Road Company." [Pledges the faith of the State for the payment of the Bonds, authorized to be issued. The object of the bill is to relieve the State from the payment of \$100,000, as the security of the Wilmington and Raleigh Rail Road, before the meeting of the next Legislature, by issuing new Bonds to take up those due, under the Act of 1842, on the first of January 1845 and 1846 respectively. The liability of the State for the Road is not increased by this Act.]

29. More effectually to secure the debts due for Cherokee Lands, and to facilitate the collecting of the same. [Directs the Governor to appoint a Commissioner, to examine the Bonds given by purchasers of Cherokee lands, and ascertain if the Principals are solvent. Also, directs the Governor to cancel all Bonds also, that the Principals are insolvent, upon condition that the purchasers surrender to the Agent, for the use of the State, possession of the lands, purchased with all the improvements thereon, and a release of all claim to any money paid thereon. Also, gives further indulgence to purchasers.]

30. To secure to the citizens of this State, the right of fishing in the navigable waters of the State. [Provides that no person shall fish with seines, nor be interested in fishing, until they shall have resided in this State, twelve months, under a penalty of \$100, &c.]

31. To prevent obstructions in Hitchcock's creek in the county of Richmond.

32. To amend the 123d chapter of the Act of the Revised Statutes, entitled an Act concerning Wrecks and Wrecked property.—[Changes the Wrecked districts—disqualifies any Pilot to act as a Commissioner of wrecks; allows 2 per cent. to the Commissioner on the amount of the value of property saved, when not sold by auction.]

33. Relating to the Buncombe Turnpike Road in Buncombe and Henderson counties. [Hands working on Roads, only subject to pay 50 cents for failure.]

34. To cede a portion of Rutherford county to the county of Cleveland.

35. To allow the Justices of the Peace of Hyde county, to lay a tax for the purpose of purchasing the Mattamuskeet and Rosebay Turnpike.

36. To amend the Revised Statutes, entitled an Act concerning legacies, Filial portions and distributive shares, and the Revised Statutes, Descents. [Directs that in the division of Intestate's Real Estate, that they shall be charged with the excess in value, which he or she has received, over and above an equal distributive share of their personal estates.]

37. To open the Pedee and Yadkin rivers.

38. To amend the 8th section of the 50th chapter of the Revised Statutes, entitled an Act concerning Frauds and Fraudulent Conveyances. [Makes all contracts void for leasing lands for the purpose of digging for gold or other minerals, unless they are made in writing.]

39. Providing for the re-organization of the Portsmouth and Roanoke Rail Road Company. [Directs the Governor to appoint a Commissioner on behalf of this State, to act with the Commissioner appointed by the State of Virginia, who shall expose to public sale the said Road, with all the property, privileges, rights, franchises and immunities belonging to the Road. Gives the right to the State of Virginia, to fix the amount of Capital Stock of the Company thus formed, and declare the number of shares, provided, that said Stock

shall not exceed \$600,000 nor less than \$300,000 nor any share be less than \$100, nor more than \$300. Provides further, that there shall be no less than twenty Stockholders, no one of whom shall hold more than one half of the Stock. Directs that at any time after the sale herein provided for, and formation of another Company, the Petersburg and Roanoke Rail Road Company shall have privilege to pass over their Bridge on conditions to be settled by the Commissioners.]

40. To provide for making a survey from Raleigh and Fayetteville West to the Georgia line. [Directs the Governor, before the third Monday in Nov. 1846, to cause a survey to be made, with a view of making a Turnpike Road.]

41. To amend an Act entitled an Act, to provide for the collection and management of a Revenue for this State. [Returns Insolvent taxables to the Sheriffs.]

42. For a Canal from Cape Fear to Lumber river. [Authorizes the opening of Books in the town of Wilmington, for subscription of stock to the amount of \$300,000 in \$100 shares.]

43. To amend the Revised Statutes, entitled Religious Societies. [Empowers them to appoint Trustees to hold property and receive donations.]

44. To alter the time of holding the Superior Courts of Law and Equity for the counties of Rockingham and Guilford.

45. To authorize the making a Turnpike Road in Wilkes county, and to incorporate a company for that purpose.

46. Concerning Sheriffs and Constables. [Makes the officer liable for the debt, when due diligence in collecting the same has not been used, notwithstanding the person against whom such claim existed, may be able to pay the same.]

47. Supplemental to an Act passed at the General Assembly of 1842-'43, entitled an Act to lay off and establish a county by the name of McDowell, and to fix the time at which the Superior Courts of Law and Courts of Equity, and two terms of the now Jury Courts of Pleas and Quarter Sessions, shall be held in the counties comprising the 7th Judicial Circuit.

48. To authorize the holding of two additional terms, of the Court of Pleas and Quarter Sessions, in and for the county of Catawba, at which there shall be no Jury Trials.

49. Concerning Inspectors of Flour. [Authorizes the appointing of an Inspector in the town of Wilmington, by the county Court, who is to hold his office for the term of five years.]

50. To amend the 7th Sec. of the Revised Statutes, entitled Guardian & Ward.

51. To repeal the 8th section of the Revised Statutes, entitled an Act concerning crimes and punishments.

52. Providing for the appointment of Engrossing Clerks. [Gives the appointing power to the two Principal Clerks of the Legislature, and reduces the number to two, whose pay is to be \$3 per day.]

53. To amend the 58th section of the Revised Statutes, entitled Courts, county and Superior. [Makes it unlawful for any officer to execute any civil process, on any person attending divine worship, during the time of such worship, under a penalty of \$5.]

54. To prevent the levying of Executions upon growing crops before they are matured.

55. To revive and continue in force an Act passed in the year 1841, entitled an Act to authorize the laying off and establishing a Turnpike Road from Laxton Lynch's in Rutherford county, to the widow Sail's in Buncombe county.

56. Concerning a Penitentiary. [Declares it proper and expedient to have a decisive expression of public opinion upon the subject, based upon the knowledge that the fund to erect a Penitentiary must be raised by a direct tax, and therefore directs that at the next Election for Members of the General Assembly, every voter, entitled to vote for a member of the House of Commons, shall be at liberty to vote for or against a Penitentiary.]

57. To regulate the 70th and 71st Regiment of North Carolina Militia.

58. To revive and continue in force an Act passed at the session of 1831-2, entitled an Act to re-enact and extend the provisions of an Act passed in the year 1829, chapter 35, entitled an Act to incorporate the Lake Drummond and Orapeak Canal company, chapter 109, entitled an Act to amend an Act passed at the last session of the General Assembly of the State, entitled an Act to incorporate the Lake Drummond and Orapeak Canal company, and for other purposes.

59. To amend the 103d chapter of the Revised Statutes entitled an Act concerning the improvement of Rivers and Creeks, and to prevent obstructions to their navigation.

60. For the relief of the Blind, Deaf and Dumb. [Appropriates \$5000 annually out of the Literary Fund, for the education of these unfortunate individuals.]

61. To prevent Free Negroes and Mulattoes from trafficking in ardent spirits. [Directs a fine of \$10 for the first offence, and for the second, to be indicted in the Superior Court and fined or imprisoned at the discretion of the Court.]

62. Supplemental to an Act passed by the present General Assembly, entitled an Act to attach that part of Carteret county, known as Ocracoke, to Hyde county.

63. To prevent frauds in levying Executions issued by a single Magistrate, and to encourage and facilitate the practice of taking security for the forthcoming of property seized under Execution. [Makes it the duty of the officer to specify the property levied on, in his bond, and to furnish the security a list of the same, and all the property levied on to be deemed in the custody of the security to the forthcoming bond.]

64. To consolidate and amend the Acts heretofore passed on the subject of Common Schools. [Some of the provision are, that the Superintendents shall be appointed by the Court next preceding the first Monday of October in every year, and take office on the 1st Monday in October; that committees shall be elected on the last Saturday of September in every year, and take office on the 1st Monday in October; that present Superintendents and Committees shall continue in office until others are chosen as required by the Act; that 25 per cent be allowed Chairman of Superintendents, of the money that may pass through their hands; that this Act shall be printed and distributed among the counties; that all persons over four years shall be allowed to go to

the Schools; and that county tax when levied shall not be less than one-half of the estimated amount to be raised from the State.

65. To incorporate the North Carolina Mining, Manufacturing, and Land Association. [Capital not to exceed \$100,000 in shares of \$100. When \$50,000 of the stock is subscribed for, are declared incorporated.]

66. In relation to the State Library. [Defines the duty of the Librarian.]

67. Relative to Notaries. [Reduces the fee to 50 cents.]

68. To provide for the removal of the obstruction to the navigation of the Roanoke River, occasioned by the erection of the Petersburg Rail Road Bridge, across the same. [Instructs the company to constitute a draw of sufficient capacity to admit of the easy and convenient passage of such Steam Boats and Masted Vessels as navigate Roanoke River.]

69. For the more speedy administration of Justice. [Authorizes the Judge to appoint a special term of Superior Courts, when the business of the civil docket cannot be done at the regular term.]

70. To modify an Act concerning Slaves and Free Persons of color, passed in 1830.

71. To amend the 59th chapter of the Revised Statutes, and 49th section of said Act.—[Relates to the Inspection of Turpentine.]

72. In addition to the Revised Statutes, entitled Wills and Testaments, to amend the same, and to repeal part of the 15th section of the Revised Statutes, entitled Lands of dec'd Debtors. [Authorizes Testator to bequeath every interest, and directs a free construction of Wills.]

73. Concerning the Agents of Cherokee lands. [Directs a duplicate statement of all monies, to be made to the Comptroller.]

74. To amend the 10th section of the 45th chapter of the Revised Statutes. [Authorizes the Court of Equity to appoint the time and place of sale of all property made by a decree of said court.]

75. To amend an act passed at the last session of the General Assembly, entitled an act to amend an act concerning Coroners, Revised Statutes, chapter 25, sec. 4. [Gives the power to three Justices of the Peace to appoint a Coroner, where a county is without one, and it shall be necessary for one to act in his official capacity.]

76. To prevent fraudulent voting. [Makes it an indictable offence, leaving the penalty to the Court.]

77. To establish and regulate a Turnpike Road in the county of Macon, to be called the Tennessee River Turnpike Road. [Appoints Commissioners to lay off the Road, &c.]

78. To encourage the culture and manufacture of Silk and Sugar among the Cherokee Indians in this State. [Extends to them the provisions of the Act encouraging these articles in this State, passed in the year 1836.]

PRIVATE.

1. An Act to extend the provisions of an Act passed at the session of the General Assembly of 1830-'31, entitled an Act for the relief of such persons as may suffer from the destruction of the records of Hertford county, occasioned by the burning of the Court House and clerks offices of said county. [Extends the provision of the Act to the counties of Montgomery and Stanly.]

2. To incorporate the Franklinsville Guards in the county of Randolph.

3. Making compensation to the Jurors of the county of Hyde.

4. To repeal an Act passed in 1838, so far as it extends to the county of Martin.

5. To incorporate Cross Creek Lodge, No. 4, of the Independent Order of Odd Fellows, in the town of Fayetteville.

6. To prevent the obstruction of fish passing up the creek, called Six Runs, in the county of Sampson.

7. To alter the mode of appointing constables in Tyrrell county. [Gives the appointment to the county court.]

8. To attach a portion of the Militia of the 69th Regiment to the 68th Regiment.

9. Granting to the Superior Courts of the counties of Yancey, Buncombe, Henderson, Macon and Cherokee, original and exclusive jurisdiction in all cases, where the intervention of a Jury may be necessary.

10. To amend the Act, incorporating the Trustees of Edenton Academy.

11. To incorporate a company of Cavalry in the town of Wilmington, in the county of New Hanover.

12. Authorizing the county court of Lincoln county, to exercise exclusive jurisdiction over the Public Road, which is the dividing line between the counties of Lincoln and Cleveland.

13. To incorporate the Trustees of the Milton Female Institute in the county of Caswell.

14. To amend an Act, entitled an Act to change the location of the Court House of the county of Montgomery and for other purposes, passed at the session of the General Assembly of 1842-'43 chapter 50.

15. To amend an Act for the better regulation of the town of Mocksville in Davie county. [Provides for the election of Commissioners, &c.]

16. To incorporate the town of Monroe, in the county of Union. [Provides for the appointment of commissioners, &c.]

17. To incorporate the town of Marion in the county of McDowell, and to appoint commissioners for the same.

18. To annex a part of Rutherford county to the county of McDowell.

19. To prevent the felling of timber in the water courses of the county of Guilford.

20. To repeal a part of an Act of the General Assembly, of the State of North Carolina, Rev. Stat., chap. 89, sec. 1st, as to the time and manner of electing Wardens of the Poor, so far as relates to the county of Northampton.

21. To authorize the Court of Pleas and Quarter Sessions of Beaufort county, to appoint special Justices of the Peace, and making compensation to such Justices for certain services.

22. To amend an Act, entitled an Act to incorporate the Fayetteville Riflemen, of the county of Cumberland, passed in 1842.

23. To incorporate the Phoenix Fire Company in the town of Elizabeth City.

24. To lease a Silver Mine to George Southland, the discoverer, and for other purposes.

25. To incorporate the Town of Greensboro', in the county of Guilford. [Repeals the Sec. of the Act of 1836-'37.]

26. To incorporate the Fayetteville Library Institute, in the Town of Fayetteville.

27. To protect the Public Bridges in Tyrrell county.

28. To alter the mode of appointing Constables in Beaufort county.

29. To revive an Act for the better regulation of the town of Warrenton, in Warren county.

30. To incorporate the Town of Rockingham, in the county of Richmond.

31. To incorporate a Milling Company in Anson county.

32. To improve the navigation of Cypress creek in Bladen county.

33. To divide the Militia of the county of Anson, into two Regiments.

34. To incorporate a Corps of Cavalry in the county of Chowan.

35. To incorporate Dun Faison Academy, in the county of Duplin.

36. To incorporate Washington Lodge, No. 3, of the Independent Order of Odd Fellows in the Town of Murfreesborough.

37. To appoint Commissioners for the Town of Ashboro', in the county of Randolph.

38. To provide for the opening and clearing out of Muddy creek and its branches in Stokes county.

39. To incorporate a Volunteer Infantry Company in Washington, Beaufort county.

40. Making compensation to Talie Jurors in the county of Person.

41. To incorporate a corps of Cavalry in the county of Perquimans.

42. To incorporate the Trustees of Morganton Academy.

43. To give to the county Courts of Stanly county, two Jury Terms.

44. To incorporate the Carthage Male and Female Academies, in the county of Moore.

45. To incorporate the Trustees of the Bethania Society and Academy, in Stokes county.